



Instructions For Completing ITD 2109, Right-Of-Way Encroachment Application And Permit - Approaches or Public Streets Idaho Transportation Department

Note: An incomplete application will delay processing

You may be able to expedite the application process and reduce site designing and engineering costs by requesting a pre-application conference with the Idaho Transportation Department (ITD). Contact your local ITD District Office and ask to speak with the Permits Coordinator to schedule a meeting.

<u>District 1</u>	<u>District 2</u>	<u>District 3</u>	<u>District 4</u>	<u>District 5</u>	<u>District 6</u>
600 W. Prairie Ave. Coeur d'Alene, Idaho 83815-8764 (208) 772-1200	P.O. Box 837 Lewiston, Idaho 83501-0837 (208) 799-4300	8150 Chinden Blvd. Boise, Idaho 83714-8028 (208) 334-8300	216 S. Date St. Shoshone, Idaho 83352-0820 (208) 886-7800	5151 S. 5th Ave. Pocatello, Idaho 83205-4700 (208) 239-3300	206 N. Yellowstone Ave. Rigby, Idaho 83442-0097 (208) 745-7781
Counties served: Benewah, Bonner, Boundary, Kootenai, Shoshone	Counties served: Clearwater, Idaho, Latah, Lewis, Nez Perce	Counties served: Ada, Adams, Boise, Canyon, Elmore, Gem, Owyhee, Payette, Valley, Washington	Counties served: Blaine, Camas, Cassia, Custer, Gooding, Jerome, Lincoln, Minidoka, Twin Falls	Counties served: Bannock, Bear Lake, Bingham, Caribou, Franklin, Oneida, Power	Counties served: Bonneville, Butte, Clark, Custer, Fremont, Jefferson, Lemhi, Madison, Teton

1. Use one form for each requested approach. The form initially serves as an **application** for a connection between an adjacent property and a state highway. If approved, the completed form becomes a **permit** for the state highway connection.
2. Please print (in ink), type, or complete the application in Microsoft Word and print the form.
3. Read and understand these instructions and all of the General Requirements on the form. These requirements apply to all approach permits and if you are granted a permit; you must adhere to each of them. Additional permit-specific provisions may be a part of any approved permit, and you will be given the opportunity to review them prior to accepting your permit.
4. Complete each item in the shaded area under "Applicant Information" and "Request Details".
5. Include the following with your application:
 - a. Non-refundable application fee (ranges from \$50-\$100- please confirm the applicable amount with ITD).
 - b. A copy of the latest deed of record which identifies the property owner and provides the legal description of the property abutting the State Highway Right of Way where the proposed access is being requested. If ownership of the property changes during the permit process, a new form must be submitted with the new ownership documentation.
 - c. Photographs of the proposed driveway location, including one looking each direction along the highway from the proposed location. Digital photographs are acceptable.
 - d. Plans or drawings as follows:
 - i. For agricultural, single-family or joint-use approaches, include an 8 ½" x 11" or 11" x 17" drawing showing the location of the proposed access on your property which is shown in relation to property lines, highway, existing and proposed buildings. A second drawing or map should be included that shows the location of your property in relation to other roads and landmarks. Show all dimensions, mark which direction is north and if possible, draw to scale. Include copies of any easements or agreements with adjacent property owners.
 - ii. For commercial, multi-family, subdivision, or public street approaches, include a site/plot plan, grading and drainage plans. Show the parcel layout, proposed lots, dimensions, north arrow, building locations and sizes, parking, internal drive aisles, street layouts, etc. A second drawing or map should be included that shows the location of your property in relation to other roads and landmarks. Show all dimensions, drawn to scale. Include copies of any easements or agreements with adjacent property owners.
 - e. If the development will generate more than 25 trips during the peak hour or more than 250 trips per day, include a Transportation Impact Study (TIS). Details regarding the required contents of a TIS are available from the District Permits Coordinator or District Traffic Engineer.
6. After your application is received:
 - a. ITD will review the application, all access options, local conditions, and local government plans. The application will then be discussed internally with staff. Your request may be approved, approved with conditions, or denied.
 - b. If your application is approved or approved with conditions, you will receive a letter from ITD indicating your permit has been accepted for approval accompanied by the application form and any additional special provisions that must be adhered to. Prior to starting any work in ITD right of way, you must review the conditions, and return the application with

the property owner's signature or the application and a copy of the Power of Attorney for the authorized representative who signed on their behalf. The application will then be signed by ITD and becomes your **permit** to begin work. You will be notified by ITD where you can pick up your approved permit.

- i. All work under the permit shall be completed within one year from the date that the Department issues the permit to begin work. Applicant may request, in writing, one, 6 month extension prior to expiration of the permit.
 - ii. All permitted work shall be completed and available for final inspection within thirty (30) days after construction begins, unless otherwise stated in the special provisions of the permit.
 - iii. After construction is completed you must notify the ITD Maintenance Foreman for final inspection of the permitted work. The contact information for the foreman will be included in your permit package.
 - iv. Permit will be considered **temporary** until final approval by the ITD.
 - v. Failure to complete all work in accordance with the requirements of the permit and receive final approval within the allotted time will render the permit null and void.
 - vi. Changes in deeded access will be recorded with the County following the final approval by ITD. You will receive a copy of the recorded document which should be retained for future reference.
- c. If your application is denied, you will be notified by certified mail. The reason(s) for the denial and the process for appealing the denial will be outlined in the letter you receive.
7. If your application is approved, your signature indicates you understand the following:
- a. Approaches shall be for the bona fide purpose of securing access and not for parking, conducting business, or servicing vehicles on the highway right-of-way. A list of all prohibited uses of ITD right-of-way is available in I.D.A.P.A. 39.03.42.
 - b. Any permit or privilege granted under an ITD 2109 shall not be deemed or held to be an exclusive one and shall not prohibit the state from using any of its highways, streets, or public places or affect its right to full supervision and control over all or any part of them. ITD reserves the right to add, remove, modify, repair, or relocate any encroachment(s) or appurtenance(s) within the highway right-of-way which currently exists or has been authorized by this permit, to accomplish the relocation, reconstruction, widening, or maintenance of the highway and/or to improve safety or mobility on or adjacent to the highway system.
 - c. Any traffic control features or devices in the State Highway right of way, such as islands, median openings, traffic signals, illumination and other traffic control devices required as a condition of a permit, are not an integral part of the approach authorized by the permit and as such shall become property of the State upon final inspection and approval by ITD. ITD reserves the right to change these features and devices in the future in order to promote safety and/or mobility within the State Highway right of way. Expenditure of monies for purchase or installation of said features or devices shall not create an ownership interest in the features or devices.



Right-Of-Way Encroachment Application and Permit Approaches or Public Streets

ITD 2109 (Rev. 11-13)
itd.idaho.gov

ITD Permit Application Number _____

For ITD Use

Project Number From ITD Highway Plan		Date Application Received		Date Application Determined Complete		In City Limits			
Route	Segment	C/L Milepost <input type="checkbox"/> Right <input type="checkbox"/> Left		C/L Station <input type="checkbox"/> Right <input type="checkbox"/> Left		Pop. 5000 or Greater <input type="checkbox"/> Yes <input type="checkbox"/> No			
Traffic Impact Study Required <input type="checkbox"/> Yes <input type="checkbox"/> No		Appraisal Required <input type="checkbox"/> Yes <input type="checkbox"/> No		Median Type (Raised, Painted, etc.)		Number of Lanes		Access Purchased <input type="checkbox"/> Yes <input type="checkbox"/> No	
Distance From Nearest Approach (Both sides, both directions of roadway)				Approach Volume (From TIS or ITE Trip Generation Handbook) Vehicle Trips per Day					
Site Distance Right Left		Reason if Restricted to Right Or Left		Culvert Needed <input type="checkbox"/> Yes <input type="checkbox"/> No		If Yes, Enter Size Dia. Length			

Applicant Information (Please Print or Type)

Applicant(s) Name (Printed)		Mailing Address or P.O. Box		City		State		Zip Code	
E-Mail Address (If available)				Daytime Phone Number		Alternate Phone Number			
Property Owner's Name (Printed)		Property Address and TAX ID Number		City (If in city limits)		County			
Nearest Public Street/Road		Current Property Use		Current Zoning		Proposed Property Use		Proposed Zoning	
How is Access Currently Gained?		Property Owner Owns Adjacent Properties <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, Describe							

Request Details

Is this a new approach? <input type="checkbox"/> Yes <input type="checkbox"/> No		Is this a temporary approach? <input type="checkbox"/> Yes <input type="checkbox"/> No		If this is a proposed modification to an existing approach, check all that apply <input type="checkbox"/> Location <input type="checkbox"/> Width <input type="checkbox"/> Use <input type="checkbox"/> Remove <input type="checkbox"/> Consolidate Multiple					
Desired Approach Width (Without flares at property line)		Type of Approach Requested <input type="checkbox"/> Agricultural <input type="checkbox"/> SF Residential <input type="checkbox"/> Joint Use <input type="checkbox"/> MF Residential <input type="checkbox"/> Subdivision <input type="checkbox"/> Commercial <input type="checkbox"/> Public Street							
Additional information you would like ITD to be aware of - Attach additional sheets if necessary.									

ITD District Review

Section	Reviewer	Date	Recommendation		Section	Reviewer	Date	Recommendation	
			Approve	Deny				Approve	Deny
Design			<input type="checkbox"/>	<input type="checkbox"/>	Property Mgmt			<input type="checkbox"/>	<input type="checkbox"/>
Maintenance			<input type="checkbox"/>	<input type="checkbox"/>	Traffic			<input type="checkbox"/>	<input type="checkbox"/>
Planner			<input type="checkbox"/>	<input type="checkbox"/>	Dist. Engineer			<input type="checkbox"/>	<input type="checkbox"/>
List any conditions of approval									
List reason(s) for denial recommendation									

1. The original permit or a copy must be kept on the job site whenever work is taking place.
2. No work shall commence until the permittee is given notice to proceed by an authorized representative of ITD. The permittee shall notify ITD five (5) working days prior to commencing the permitted work if work does not commence immediately upon notice by ITD.
3. During the progress of all work, traffic control devices shall be erected and maintained as necessary or as directed. All traffic control devices shall conform to the most current edition of the *Manual on Uniform Traffic Control Devices for Streets and Highways*, as adopted by the State. Equipment or materials left within the highway right-of-way when work is not taking place shall be delineated and protected with appropriate approved traffic control devices.
4. All work within the State Highway Right of Way shall comply with the requirements of the ITD Workzone Safety and Mobility Policy. Copies available from ITD upon request.
5. All work herein permitted shall conform to current government and industry standards, including Americans with Disabilities Act, and shall be performed and completed to the satisfaction of ITD. The expense of any required supervision of work performed under this permit shall be borne by the permittee.
6. Work done under this permit shall be constructed in a manner that shall not cause water to flow onto the roadway or shoulder, and shall not interfere with the existing drainage on the State Highway System or any adjacent drainage system.
7. All utilities shall be installed under culverts.
8. The permittee shall furnish all material, labor, and equipment involved in the construction of the approach and its appurtenances. This shall include furnishing drainage pipe, curb, gutter, concrete sidewalk, etc., where required.
9. ITD may inspect the materials and workmanship during construction and upon completion to determine that all terms and conditions of the permit are met. Inspectors are authorized to enforce the conditions of the permit during construction and to halt any activities within state right-of-way that do not comply with the provisions of the permit, that conflict with concurrent highway construction or maintenance work, and/or that endanger highway property, natural or cultural resources protected by law, or the health and safety of workers or the public.
10. ITD shall be reimbursed by the permittee for any additional inspection required to insure compliance with the conditions of this permit. Inspection fees will be based upon inspection time including travel from the ITD facility and charged at rates commensurate with industry standards.
11. Upon completion of the permitted work, any disturbance of the highway, right of way, and/or traffic control devices shall be restored to the satisfaction of ITD including the removal of all rubbish and debris and may include seeding, planting and grading.
12. Any encroachment that is found to be in non-compliance with the terms of the approved permit may be required to be modified, relocated, or removed at the sole expense of the permittee upon written notification by the District Engineer or his authorized representative.
13. The permittee shall maintain at its sole expense the encroachment for which this permit is granted.
14. Changes in the use as defined in I.D.A.P.A. 39.03.42, of the permitted access not consistent with the terms and conditions listed on the permit may be considered a violation of the permit. Any modification, relocation, or removal of an encroachment or subject granted by this permit shall require a new permit prior to commencement of such work.
15. ITD may revoke, amend, amplify, or terminate this permit or any of the conditions herein enumerated if the permittee fails to comply with any or all of its provisions, requirements, or regulations as herein set forth or through willful or unreasonable neglect, fails to heed or comply with notices given, or if the approach, structure, or subject herein granted is not installed or operated and maintained in conformity herewith.

Acceptance and Approval to Work

ITD Permit Application Number _____

By signing this permit, the permittee or his authorized representative certify that they have been made aware of and agree with all requirements of the permit, including any and all restrictions and further agree to indemnify, save harmless, and defend regardless of outcome ITD from the expenses of and against all suits or claims, including costs, expenses, and attorney fees that may be incurred by reason of any act or omission, neglect, or misconduct of the permittee or its contractor in the design, construction, and maintenance of the work, which is the subject of this permit.

Property Owner/Authorized Representative's Signature X	Company Name (If applicable)	Phone Number	Date
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Subject to all terms, conditions, and provisions of this permit or attachments, permission is hereby granted to begin work within the State Highway Right of Way.

Idaho Transportation Department Authorized Representative's Signature X	Title	Date
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Attachments:

<input type="checkbox"/> Special Provisions/Conditions of Approval	<input type="checkbox"/> Legal Description/Deed
<input type="checkbox"/> Traffic Control Plan	<input type="checkbox"/> Power of Attorney for Authorized Representative
<input type="checkbox"/> Standard Drawings	<input type="checkbox"/> Site Plans
<input type="checkbox"/> Construction Drawings	<input type="checkbox"/> TIS _____
<input type="checkbox"/> P&Z Approvals _____	<input type="checkbox"/> Copy of Letter of Incorporation _____
<input type="checkbox"/> Dept. Roadway Plansheets _____	<input type="checkbox"/> Letters of Recommendation/Denial _____
<input type="checkbox"/> Easements/Agreements _____	<input type="checkbox"/> Joint Access Agreements _____
<input type="checkbox"/> Property Appraisal _____	<input type="checkbox"/> Other _____

Final Approval

Subject to all terms, conditions, and provisions of this permit or attachments, **Final Inspection** has been completed and the permitted work within the State Highway Right of Way is hereby given final approval.

District Engineer or Assigns Signature X	Date
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Subject to all terms, conditions, and provisions of this permit or attachments, changes in access on the State Highway System have been completed and have been given final approval to be recorded against the property as described in the legal description shown in Attachment A.

District Engineer or Assigns Signature X	Date
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Subscribed and sworn before me this

_____ day of _____, year _____ in the County of _____, State of _____

personally appeared before me _____, to me known to be the person(s) described in and who executed the within and forgoing instrument, and acknowledged that he/she signed the same as his/her voluntary act and deed for the uses and purposes therein mentioned.

Witness my hand and official seal hereto affixed

Notary Public's Signature _____

SEAL

My Commission Expires _____